

REMARKS

In the outstanding office action, rejection was based upon a primary reference to Hunter and supplemental references to Bernard and Seifert. In response to this rejection, the claims have been amended in a manner which is believed to bring them clearly into condition for allowance.

At the outset, it is noted that the cited references do not address the problem being solved by the invention. While, they do show the use of a network for transmitting programming, as well as the use of that network for transmitting advertising, in other respects they fail to anticipate elements of the invention.

Certainly, the general concept of transmitting programming over a network for display in real-time, as taught by Hunter, is notoriously well-known. Indeed, as much it can be said about the earliest commercial television broadcasts in the late 1930s. Likewise, the transmission of advertising, albeit over small screens, is also approaching a century of implementation. The inventive method goes far beyond this, however.

In contrast to Hunter, in accordance with the invention, materials are uploaded for later display. In addition, advertising materials are transmitted for display on systems separate and apart from the movie display system, for example billboards, newspapers and television. This appears to be the clear meaning of paragraph 70 of Hunter. This paragraph does not disclose digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material, as is argued in the outstanding office action.

An individual, confronted with the system of Hunter and the prior art practice of transmitting such materials through the mail would simply implement electronic distribution of product in real-time and continue the practice of transmitting posters, advertising and so forth through the mail. Information gathering would continue to be done using standard systems. While Hunter does discuss using the transmissions to mechanically generate royalty charges and billing information, there is not a remote suggestion of gathering market data and providing that to subscribers, as in the present invention.

The distribution of advertising over the Hunter network merely represents a separate use for the network.

Hunter merely recognizes that it is possible to implement a network which can feed advertising material to a plurality of billboards, for example outdoor billboard displays.

In contrast, the present invention involves distribution of materials and content through one channel (the Internet), display on another channel (television advertising, poster display, etc.), and gathering of marketing information. Significantly, these aspects of the invention are not taught or suggested by the secondary references.

Bernard is directed to a system for purchasing multimedia over the Internet. While the patent does make mention of telephone caller receiving information from salespeople, this is different from the present invention where the system, on the basis of use, generates marketing data. The capability, in accordance with the present invention, is to compare demographic information, particular television advertisements used, success rates in terms of movie theater attendance, and so forth and provide the same to theater operators, thus better informing their marketing decisions.

Turning to Seifert, the same as merely an electronic library content sharing system. It certainly does not address any of the above noted deficiencies of Hunter and Bernard.

Accordingly, significant aspects of the claims are not remotely taught by the art of record. For example, claim 1, as amended, currently claims the transmission of data from the server to the distributor with separate, in time or place, display of the advertising material. Claim 8, which depends from claim 1 clearly recites a sharing of market data between exhibitors based on use of the inventive method.

Claim 1 also positively recites the transmission of multimedia, such as a motion picture, and associated advertising material which is acknowledged in the outstanding office action as not being taught by the prior art. Accordingly, it is believed that claim 1 is most clearly in condition for allowance.

The inventive method is in contrast to the prior art which merely involves electronically transporting materials in a catalog or doing what is essentially a

broadcast transmission to advertising billboard signs or theaters. Indeed, Hunter is focused on simply achieving multiple uses for the expensive high-bandwidth information distribution system. Hunter certainly does not anticipate the invention.

Claim 21 is specific to motion picture distribution and includes a sampling mechanism, as is also recited in claim 1, transport and display of advertising and motion pictures at a different place for time and querying exhibitors to gather information which is used for billing purposes and is recited as being reported to other exhibitors.

Accordingly, it is believed most clear that claim 21 is in condition for allowance.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Commissioner is authorized to charge any additional fees required or to credit any overpayment to Deposit Account No. 20-0809.

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Respectfully submitted,

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